REMARKS

The Office Communication dated November 13, 2009, asserts that the Applicant's reply filed on July 23, 2009, is not fully responsive to the prior Office Action because the Applicant's amendment to the priority claim in the present application is not fully supported by Office records. More specifically, the Applicant's prior response asserted that U.S. patent application serial no. 10/114,675 is a continuation-in-part of U.S. patent application serial no. 08/603,676; however, the outstanding Communication states that, while the 10/114,675 application claims priority to the 08/603,676 application, this is not a proper priority claim because the relationship between the applications is not stated. Without acquiescing in the Office assertion that the prior response is nonresponsive, it is believed that this issue will be mooted by a separate Petition filed by the Applicant to correct the priority claim in a prior application in the chain of priority in the present case.

The outstanding Communication suggests that the priority claim issue can be addressed by petitioning to correct a priority claim in a prior application that is now abandoned. Specifically, while the 10/114,675 application is now abandoned, the outstanding Communication states that, "Attention is directed to MPEP § 1002.02(b) with regard to the possibility of petitioning to revise the relationships among applications in an abandoned application." In view of this suggestion, the Applicant is addressing the priority claim issue by submitting a petition to the U.S. Patent Office under separate cover requesting addition of a priority claim in a now-abandoned application in the chain of priority of the present application. The Applicant believes that the issue in the present case will be overcome by the addition of the priority claim in the prior application.

Because the priority issue in the present case is expected to be resolved by granting of the above-discussed petition, the Applicant requests suspension of action on the present application until such time as a decision is rendered by the Patent Office on the petition. Because further examination of the present application may depend in part upon resolution of the petition, suspension of action in the present case will prevent

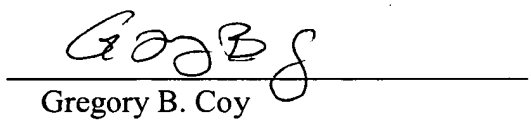
potentially unnecessary activity in this case, which would be wasteful of Office resources.

Conclusion

In view of the foregoing remarks, the Applicant respectfully requests that action on the present application be suspended pending a decision on a petition submitted to the Patent Office in connection with U.S. application serial no. 08/740,031. Upon granting of said petition, the Applicant submits that the objection to the priority claim in the present case will be overcome. Accordingly, after the petition is resolved, and the priority issue in the present case resolved, reconsideration leading to withdraw of all the rejections and allowance of this application, as amended, is respectfully requested.

If there are any remaining issues that can be addressed telephonically, the Examiner is invited to contact the undersigned to discuss the same.

Respectfully submitted,

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